



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/28/00

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Summary Vacation of a 10-Foot-Wide Storm Drain Easement along the South Line of Lot 3, Tract 5153, near Wiegman Road

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution summarily vacating the 10-foot storm drain easement along the south line of Lot 3, Tract 5153, near Wiegman Road.

BACKGROUND:

The 10-foot storm drain easement was created with the approval of Tract 5153 in July 1986. This storm drainage easement was created for the purpose of temporarily connecting drainage from the adjacent lot on the south to an existing storm drain in Wiegman Road until that lot was graded and developed. When the tract grading was completed, the storm drainpipe intended for this easement was not constructed, because the lot to the south was also developed with its own drainage, and therefore the drainpipe was unnecessary.

State law provides that if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, the easement may be summarily vacated. This easement has not been used for the intended use since the "as-built" grading plans were filed January 1, 1987.

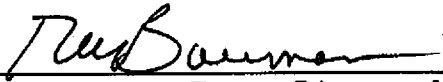
This vacation action would eliminate any further City liability in relation to this property and free the property of an unnecessary encumbrance on the title to the property.

The Planning Commission held a public hearing on this matter at its regular meeting of February 24, 2000. By unanimous vote, the Commission:

1. Found that this action is exempt from the provisions of the California Environmental Quality Act (CEQA);
2. Found that this action is not in conflict with the General Plan;
3. Found that this easement is no longer necessary for public purposes; and

4. Recommended to the City Council that it adopt a resolution summarily vacating the easement.

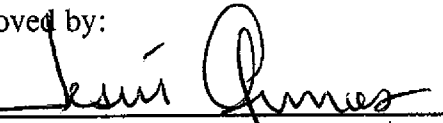
Prepared by:


Robert A. Bauman, Deputy Director of Public Works

Recommended by:


Dennis L. Butler, Director of Public Works

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A: Location Map
Exhibit B: Plat of Storm Drain Easement Vacation
Exhibit C: Legal Description

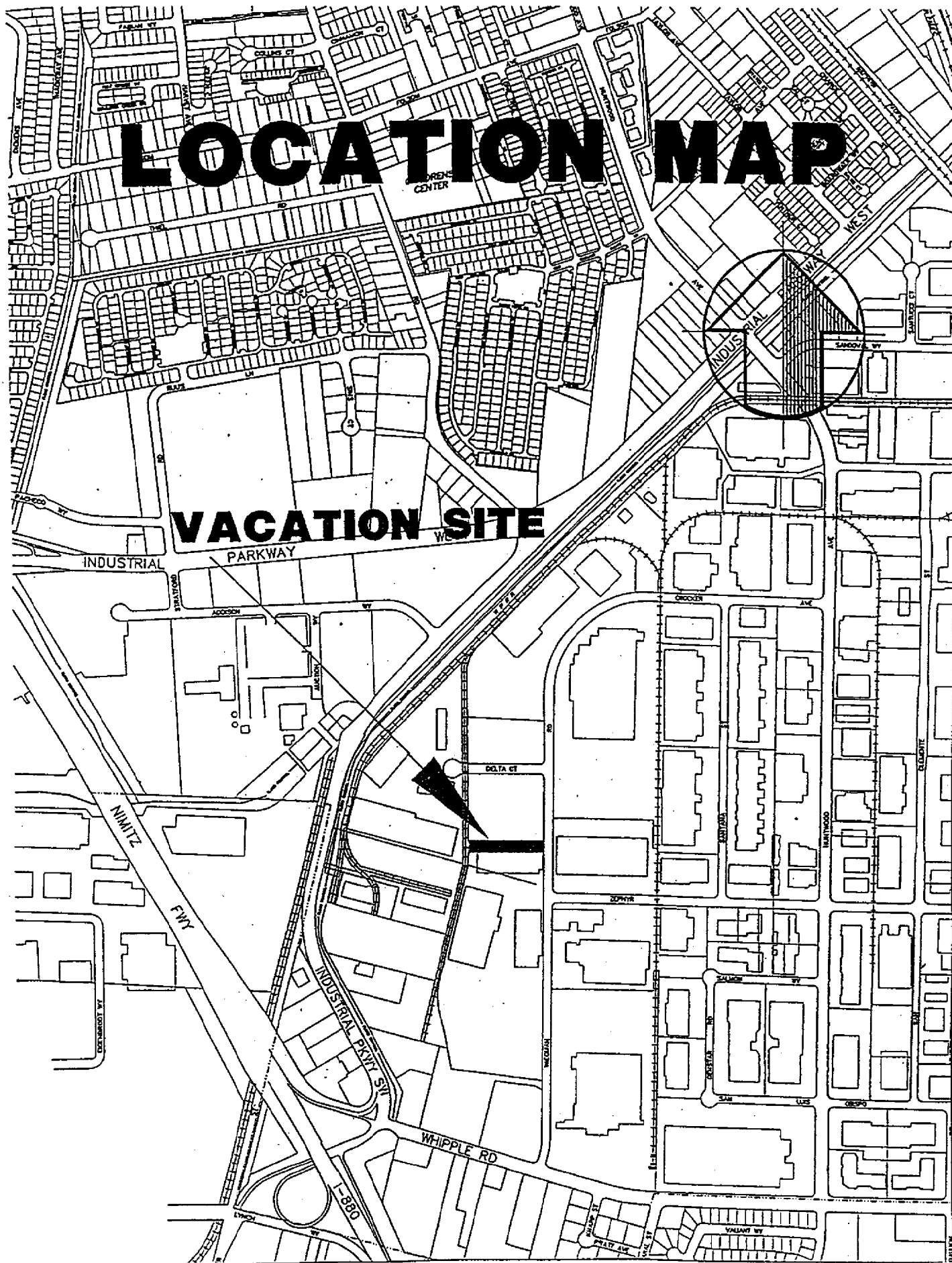


Exhibit A

EXHIBIT "A"

LEGAL DESCRIPTION

STORM DRAIN EASEMENT (S.D.E.) VACATION
LOT 3, TRACT 5153

REAL PROPERTY SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF HAYWARD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

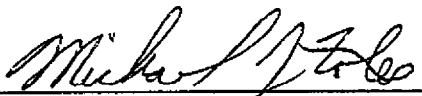
THAT CERTAIN 10 FOOT WIDE BY 529.39 FOOT LONG PUBLIC STORM DRAIN EASEMENT (S.D.E.) LYING WITHIN LOT 3, TRACT 5153 HEREINBELOW DESCRIBED WHICH SAID STORM DRAIN EASEMENT HAVING BEEN DEDICATED TO THE PUBLIC FOREVER BY AND ON THAT CERTAIN MAP OF TRACT 5153, CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, FILED FOR RECORD ON JULY 11, 1986 IN BOOK 162 OF MAPS AT PAGES 59 THROUGH 61, INCLUSIVE, OFFICIAL RECORDS OF ALAMEDA COUNTY, SAID STORM DRAIN EASEMENT HAVING BEEN ACCEPTED ON BEHALF OF THE PUBLIC BY RESOLUTION NO. 86-17205 ON JUNE 17, 1986 BY THE COUNCIL OF THE CITY OF HAYWARD.

A PLAT OF THE ABOVE DESCRIBED PARCEL OF LAND IS ATTACHED HERETO AS EXHIBIT "B", AND BY THIS REFERENCE MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT, AND SHALL NOT BE UTILIZED IN ANY CONVEYANCE WHICH MAY VIOLATE THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA OR LOCAL ORDINANCES.

EXECUTED THIS 10TH DAY OF OCTOBER, 1999.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



MICHAEL J. FOLEY
PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA
L.S. NUMBER 5777
LICENSE EXPIRATION DATE: 06-30-2000



END OF WRITTEN DESCRIPTION
END OF EXHIBIT "A"

Exhibit C

DRAFT

DM 3-15-02

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION SUMMARILY VACATING A 10-FOOT-WIDE STORM DRAIN EASEMENT ALONG THE SOUTH LINE OF LOT 3, TRACT 5153

WHEREAS, the Director of Public Works has advised that a 10-foot-wide public storm drain easement crossing along the south line of Lot 3 of Tract 5153 near Wiegman Road, as more particularly described in the attached Exhibit "A," has not been used for the intended use since the "as-built" grading plans were filed January 1, 1987; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council hereby finds and determines that the portion of public storm drain easement described in Exhibit "A" has not been used for the public purposes for which it was dedicated for the last five years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that pursuant to California Streets and Highways Code section 8333(a) it is hereby ordered that that certain public storm drain easement crossing the South line of Lot 3 of Tract 5153 described in Exhibit "A," attached hereto and made a part hereof, is hereby vacated subject to the reservations and exceptions noted therein, and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward